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PTO/SB/64 (01-08)

Approved for use through 06/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *GEORGE J. MIAO*

Application No.: *10/614,366*

Art Unit: *2611*

Filed: *July 7, 2003*

Examiner: *Joseph Francis A. Dsouza*

Title: *Spread Spectrum Based Multichannel Modulation for Ultra Wideband Communications*

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

has been filed previously on _____
 is enclosed herewith. *07/23/2008 EFLORES 00000016 10614366*

- B. The issue fee and publication fee (if applicable) of \$ 720 ^{01 FC:2453} _{770.00 QP}
 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

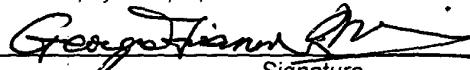
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

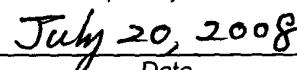
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D).]

WARNING:

- Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature



Date

GEORGE J. MIAO

Typed or printed name

Registration Number, if applicable

20400 VIA PAVISO, #A27

Address

408-865-1158

Telephone Number

CUPERTINO, CA 95014

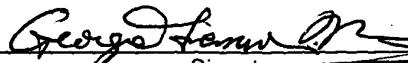
Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Check 488 and Check 489**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.7/20/2008

Date



Signature

GEORGE J. MIAO

Typed or printed name of person signing certificate



In the United States Patent and Trademark Office

Application Number: 10/614,366

Application Filed: July 7, 2003

Applicant: George J. Miao

Application Title: Spread Spectrum Based Multichannel Modulation for Ultra
Wideband Communications

Examiner/GAU: Joseph Francis A. Dsouza/2611

Mailed: July 20, 2008

At: Cupertino, California

Response to Notice of Petition Decision

Attention: Office of Petition
Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Petition Decision (Kenya A. McLaughlin's letter, Petitions Attorney) mailed on June 30, 2008, the applicant would like to use an alternative method to revive the application based on unintentional abandonment under 37 CFR 1.137(b).

Enclosed are the petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) form, a petition fee \$770 for a small entity, an issue fee \$720, a statement of unintentional entire delay, and a copy of the Notice of Petition Decision Letter.

07/23/2008 SSANDAR1 00000034 10614366

01 FC:2501 720.00 OP

Statement that the entire delay was unintentional

The entire delay in filing the required reply from the due date for the required replay until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Very respectfully,



George J. Miao

----- Applicant Pro Se -----

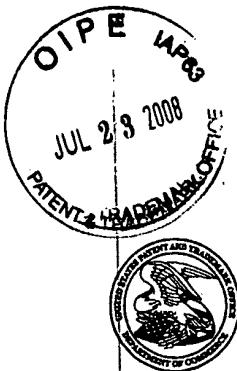
20400 Via Paviso, #A27
Cupertino, CA 95014
Tel. 408-865-1158

Certificate of Mailing. I hereby certify that this correspondence, if any, will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Attention: Office of Petitions, Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: July 20, 2008

Inventor's Signature:





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GEORGE J. MIAO
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COPY MAILED

JUN 30 2008

In re Application of
George J. Miao
Application No. 10/614,366
Filed: July 7, 2003
Attorney Docket No.

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed June 12, 2008.

The petition is **DISMISSED**.

The application became abandoned on December 21, 2007, after no response was received to the Notice of Allowance and Issue Fee Due mailed September 20, 2007, which set a statutory period for reply of three-months from its mailing date. No response was received within the allowable period, and the application became abandoned on December 21, 2007. A Notice of Abandonment was mailed January 16, 2008.

In the instant petition, petitioner maintains that the Notice of Allowance and Issue Fee Due was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

[t]he showing requires to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petitioner must make a statement that petitioner's records where searched, but the Office communication was not found. Petitioner must also provide a copy of petitioner's logs showing where the Office communication would have been entered if it had been received. If petitioner does not keep a log, petitioner may file a copy of the contents of the incoming correspondence petitioner has received for this application. Petitioner may also file a copy of

any calendar notations petitioner maintains relative to this patent application that may corroborate petitioner's allegation that the notice was not received. This documentation must accompany any renewed petition filed under 37 CFR 1.181(a).

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,540.00 for a large entity and \$770.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64